IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Bail Appl..No. 778 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.472/2007
CRMP.67/2007 of DISTRICT COURT, PATHANAMTHITTA

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PETITIONER/ACCUSED 1 & 2:

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1. RASHEED, AGED 27
   PUTHENPURAYIL HOUSE, ELATHOOR,
   KOZHIKODE

2. ABDUL KHARIM, AGED 36,
   PUTHENPURAYIL HOUSE, ELATHOOR,
   KOZHIKODE

BY ADV. SRI.P.SHAIJAN JOSEPH

RESPONDENT/ COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
C.I. OF POLICE, KAKKAD THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 778 OF 2007

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DATED THIS THE 13th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.1 and 2 in Crime No..88/06 of Pampa Police Station for an offence punishable under section 379 read with section 34 IPC, seek their enlargement on bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that in the night of 19.12.2006 a 2002 model Qualis Car valued at Rs.4 lakhs was stolen from the parking place of Pampa. The de facto complainant who had gone in the said vehicle to Sabarimala for 'darshanam' lodged a complaint before the Pampa Police. During the course of the investigation, the stolen car was caught by the Ponnani Police at Puthuponnani in Malappuram District on 20.12.2006. According to the prosecution, the car was stolen by the petitioners from Pampa and abandoned at Puthuponnani.

4. In as much as the first accused is involved in a robbery case allegedly committed at Karnataka, I am not inclined to grant bail to him at this stage although he has completed 55 days of detention in judicial custody.

5. In the case of the second accused, having regard to the fact that he does not have any prior antecedents and having regard to the

duration of his judicial custody which commenced on 20.12.2006, I am inclined to grant bail to the second accused. Accordingly, the 2nd petitioner (2nd accused) is directed to be released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Ranny and subject to the following conditions:

1. The 2nd petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The 2nd petitioner shall make himself available for interrogation as and when required by the Police, till the filing of the final report.

3. The 2nd petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The 2nd petitioner shall not commit any offence while on bail.

If the 2nd petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

5. In the case of the first petitioner (1st accused), the request for bail is rejected.

This application is allowed in part as above.

V.RAMKUMAR, JUDGE.

dsn